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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GIL CROSTHWAITE , et al., as Trustees of the
OPERATING ENGINEERS' HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA, et al.,

Case No.: C09-0769 PJH

**NOTICE OF VOLUNTARY DISMISSAL
AND ORDER**

Plaintiffs,

v.

JOSEPH UNTALAN FUNES, Individually and
dba J. U. FUNES EXCAVATING GRADING
& PAVING, aka J.U. FUNES EXCAVATING,
aka J. U. FUNES EXCAVATING & PAVING,

Defendants.

PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1), Plaintiffs GIL CROSTHWAITE and RUSS BURNS, in their respective capacities as Trustees of the OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA, et al., voluntarily dismiss, without prejudice, the within action against Defendants JOSEPH UNTALAN FUNES, individually and dba J. U. FUNES EXCAVATING GRADING & PAVING, aka J.U. FUNES EXCAVATING, aka J. U. FUNES EXCAVATING & PAVING. Plaintiffs have not previously filed or dismissed any similar action against Defendants.

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**NOTICE OF VOLUNTARY DISMISSAL
Case No.: C09-0769 PJH**

1 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above
2 entitled action, and that the foregoing is true of my own knowledge.

3 Executed this 29th day of June, 2009, at San Francisco, California.

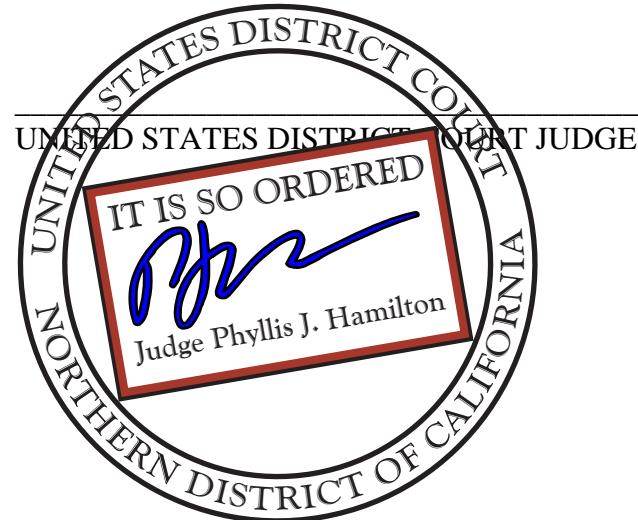
4 SALTZMAN & JOHNSON
5 LAW CORPORATION

6 By: _____ /S/ _____
7 Michele R. Stafford
8 Attorneys for Plaintiffs

9 IT IS SO ORDERED.

10 This case is dismissed without prejudice and all dates herein are herewith vacated.

11 Date: 6/30/09



1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

3 I am a citizen of the United States and am employed in the County of San Francisco, State
4 of California. I am over the age of eighteen and not a party to this action. My business address is
5 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

6 On June 29, 2009, I served the following document(s):

7 **NOTICE OF VOLUNTARY DISMISSAL**

8 on the interested parties in said action by First Class U.S. Mail, by placing a true and exact copy of
9 each document in a sealed envelope with postage thereon fully prepaid, in a United States Post
10 Office box in San Francisco, California, addressed as follows:

11 **Joseph U. Funes**
12 **2646 U Street**
13 **Rio Linda, California 95673**

14 **J.U. Funes Excavating, Grading &**
Paving
c/o Joseph U. Funes
2646 U Street
Rio Linda, California 95673

15 I declare under penalty of perjury that the foregoing is true and correct and that this
16 declaration was executed on this 29th day of June, 2009, at San Francisco, California.

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18 _____/s/_____
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NOTICE OF VOLUNTARY DISMISSAL
Case No.: C09-0769 PJH